

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.550 OF 2007

Smt.Zabibai Bansi Mali & Ors.)..Petitioners

Versus

Bhiwandi Nizampur City Municipal)..Respondents
Corporation

Ms.A.G.Bhaktwani for the petitioners.

Mr.R.S.Apte for the respondents.

**Coram : S.B.Mhase &
R.S.Mohite, JJ**

Date : 4th May, 2007.

PC

1. Heard learned Counsel for the petitioners.

2. Learned Counsel for the petitioners submitted that the petitioners' shops were licensed shops and they have been demolished by the Corporation without notice. It is brought to our notice that one year's back, construction has been demolished. It is further brought to our notice that the construction was on a nala which was un-authorised. Respondent-Corporation never, at any point of time, has given the permission for the said construction and for occupation of the place of the petitioners. The so-called licenses which are relied upon are under the Bombay Shops & Establishments Act, 1949,

and not an allotment of the premises by the respondent-corporation. Under these circumstances, we do not find any case which can be entertained under Article-226 of the Constitution of India. Petition is therefore, rejected.

(R.S.Mohite, J)

(S.B.Mhase, J)